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SPARKS.

VETO MESSAGES.

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VETO MESSAGES

OF

GOVERNOR JOHN SPARKS

1843-1905

BILLS OF THE LEGISLATURE OF 1905

(Twenty-second Session)



CARSON CITY, NEVADA

STATE PRINTING OFFICE, : : : : : ANDREW MAUTE, SUPERINTENDENT

1905



# VETO MESSAGES.

## Assembly Bill No. 2,

INTRODUCED BY MR. PLATT,

JANUARY 24, 1905.

### AN ACT

TO PROVIDE FOR THE PURCHASE OF GROUNDS AT CARSON CITY, ORMSBY COUNTY, NEVADA, AND FOR THE ERECTION THEREON OF A GOVERNOR'S MANSION, TO BE USED AS THE HOME OF THE STATE EXECUTIVE.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any money in the General Fund of the Nevada State Treasury, not otherwise appropriated, for the purpose of purchasing grounds at Carson City, Ormsby County, Nevada, and for the erection thereon of a Governor's Mansion, to be used as the home of the State Executive.

SEC. 2. The Board of Capitol Commissioners shall, within ninety days after the approval of this Act, purchase such lot, tract or piece of land in Carson City, Ormsby County, Nevada, as in their judgment will serve as a fit and proper location upon which to build said mansion; and shall, at or before the expiration of said ninety days, commence the construction thereon of said mansion, which such building shall be completed and ready for occupancy on or before the 1st day of October, 1906.

SEC. 3. The Board of Capitol Commissioners shall have charge and the management of said building construction and shall have power and authority to have the same constructed; *provided*, that the building of said mansion and the furnishing of the building material to be used in the construction thereof shall be let to the lowest responsible bidder, and the Board shall advertise for bids for a period of at least five weeks. The person or persons to whom shall be awarded any contract hereunder shall furnish a bond with approved sureties in a sum to be fixed by the Board, which bond shall be conditioned upon the full and faithful performance of such contract; *and provided further*, that the entire foundations and walls of said building shall be constructed of stone and rubble prepared and furnished by Nevada State Prison labor.

SEC. 4. The plans and specifications for said building, not to exceed in cost one hundred dollars, shall be agreed upon and adopted by the Board of Capitol Commissioners; and no change or variation from said

adopted plans and specifications shall be made whereby the contractor shall have or be entitled to any additional allowance in excess of the amount named in the contract.

SEC. 5. On the application by the Board of Capitol Commissioners to the Board of State Prison Commissioners, requesting stone and rubble as aforesaid, it shall be the duty of the Board of Prison Commissioners to direct the Warden of the Nevada State Prison to furnish said Capitol Commissioners such amount of stone and rubble as they may require; *provided*, that the Board of Capitol Commissioners, upon entering into a contract with any person or persons for the construction of said building, shall require the contract to specify the number of perch or cords of finished stone to be furnished and delivered to the contractor at the Prison.

SEC. 6. The Board of Capitol Commissioners shall have power to regulate the manner of payment to and the several amounts to be paid to the contractor in separate installments as work on the building progresses; and upon the completion and acceptance of the building, the entire remaining amount shall be paid.

SEC. 7. All claims and demands for the construction of or against said building shall be audited and paid as other claims against the State.

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VETO MESSAGE ON ASSEMBLY BILL NO. 2.

EXECUTIVE CHAMBER,  
CARSON CITY, NEVADA, February 21, 1905.

*To the Honorable the Assembly:*

I have the honor to return to your honorable body, without my approval, Assembly Bill No. 2, entitled "An Act to provide for the purchase of grounds at Carson City, Ormsby County, Nevada, and for the erection thereon of a Governor's Mansion, to be used as the home of the State Executive."

My objections are as follows:

In the first place, necessary appropriations and deficiencies are now approaching the limit allowed by law, as shown by the several reports of the State officers and different committees of the Legislature, which appeal to greater interests of the people of this State than a Governor's Mansion. Appropriations should be made and sustained for the benefit of all the people of this State before purchasing or building a mansion for any officer of the State.

It is my earnest desire that the Legislature in its wisdom will sustain these objections and prevent the increase of the rate of taxation, and, if possible, reduce such rate for the benefit of taxpayers who bear the burden.

Our State is growing in wealth and population, but, in my judgment, this luxury cannot be considered necessary at this time. We have had good and efficient Governors who have served the State with honor and distinction, and have lived in homes without cost to the State exceeding the salary appropriated by law, and the rule can be continued to great advantage at this time.

Respectfully,

JOHN SPARKS,  
Governor.

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**Assembly Bill No. 29,**

INTRODUCED BY MR. McCOURT,

FEBRUARY 2, 1905.

**AN ACT**

TO AMEND AN ACT ENTITLED "AN ACT TO REGULATE THE SETTLEMENT OF THE ESTATES OF DECEASED PERSONS," APPROVED MARCH 23, 1897.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section thirty-eight of said Act is hereby amended so as to read as follows:

Section thirty-eight. Administration of the estate of a person dying intestate shall be granted to some one or more of the persons herein-after mentioned and they shall be respectively entitled in the following order: First—The surviving husband or wife, or such person as he or she may request to have appointed. Second—The children. Third—The father or mother. Fourth—The brother. Fifth—The sister. Sixth—The grandchildren. Seventh—Any other of the kindred entitled to share in the distribution of the estate. Eighth—The Public Administrator. Ninth—The creditors. Tenth—Any of the kindred not above enumerated within the fourth degree of consanguinity. Eleventh—Any person or persons legally competent; *provided, however*, that letters of administration on the estate of persons dying intestate shall not be granted to a non-resident of this State.

**VETO MESSAGE ON ASSEMBLY BILL NO. 29.**

EXECUTIVE CHAMBER,  
CARSON CITY, NEVADA, February 25, 1905.

*To the Honorable the Assembly:*

I have the honor to return to your honorable body, without my approval, Assembly Bill No. 29—An Act to amend an Act entitled "An Act to regulate the settlement of estates of deceased persons."

My objections are that this bill denies the right of relatives or friends, who are non-residents, to administer on estates of intestate persons who have died here leaving property to be administered upon. This is wrong, and it is no excuse that other States make such exactions from the people of this State. The adoption of this bill will work a hardship in the settlement of both great and small estates, and more particularly on the small, as many such would not pay cost of administration.

Respectfully,

JOHN SPARKS,  
Governor.

**Assembly Bill No. 8,**

INTRODUCED BY MR. JACOBSEN,

JANUARY 26, 1905.

**AN ACT**

TO PROHIBIT THE PURCHASE OF INTOXICATING LIQUORS, DRUGS, OR  
OTHER INTOXICATING SUBSTANCES BY INDIANS.

*The People of the State of Nevada, represented in Senate and Assembly,  
do enact as follows:*

SECTION 1. After the passage of this Act it shall be unlawful for any Indian to purchase or in any manner obtain any ardent, spirituous or malt liquors, or any intoxicating liquors, or liquids or intoxicating drugs or substances, from any person or persons whomsoever; and any Indian so unlawfully purchasing or obtaining in any manner whatsoever such intoxicants shall be deemed guilty of a misdemeanor, and upon due conviction thereof, before any court of competent jurisdiction, shall be fined in a sum of not more than two hundred dollars, or be imprisoned in the county jail of the county in which said crime shall be committed for a term of not less than one year, or by both such fine and imprisonment.

**VETO MESSAGE ON ASSEMBLY BILL NO. 8.**

EXECUTIVE CHAMBER,  
CARSON CITY, NEVADA, March 2, 1905.

*To the Honorable the Assembly:*

I have the honor to return, without my approval, Assembly Bill No. 8—An Act to prohibit the purchase of intoxicating liquors, drugs or other intoxicating substances by Indians.

My objections are as follows:

First—Almost all the Indians residing in the State are wards of the General Government, and are controlled by Federal authority in so far as the liquor question is concerned between the Indians and the whites. This policy has prevailed for nearly a century, and has been strictly enforced by the Federal Government and State authorities.

I do not feel warranted in interfering with the Federal Government's methods. The United States District Attorney for this State advises me that a State law, such as proposed, will materially interfere with a rigid enforcement of the Federal law.

Second—If this bill becomes a law, the Indian purchaser and white seller being criminally chargeable, it is certainly probable that no evidence could be obtained to establish the guilt of either.

Respectfully,

JOHN SPARKS,  
Governor.



**Assembly Bill No. 100,**

INTRODUCED BY MR. HENDERSON,

FEBRUARY 23, 1905.

**AN ACT**

TO SUBMIT TO THE QUALIFIED ELECTORS OF ELKO COUNTY THE QUESTION WHETHER A NEW COURT HOUSE SHALL BE BUILT IN THE TOWN OF ELKO.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

SECTION 1. At the general election to be held in Elko County in this State upon the first Tuesday after the first Monday in November in the year 1906, the question whether a new Court House shall be built in the Town of Elko at a cost not exceeding the sum of sixty thousand (\$60,000) dollars shall be submitted to the qualified electors of the county.

SEC. 2. It is hereby made the duty of the Board of County Commissioners of Elko County to submit said question to said electors at said general election by their general election proclamation, by ordering that there be printed on the ballots in an appropriate place the words: "New Court House—Yes," "New Court House—No."

SEC. 3. It is hereby made the duty of the County Clerk of Elko County to include in the publication of nominations certified to or filed with him in an appropriate place the words: "New Court House—Yes," "New Court House—No," and in like manner to include the same upon the official ballot for said general election.

SEC. 4. The vote upon said question shall be canvassed and returned in the same manner as is provided by law for the canvass and return for election of officers.

SEC. 5. If a majority of the votes polled in said county at said general election shall be against building a new Court House then no further proceedings shall be taken in said county or by said county's representatives in the next Legislature of the State towards bonding the county for the said sum of sixty thousand (\$60,000) dollars. If a majority of the votes so cast at said general election shall be in favor of building a new Court House in said county then the representatives from Elko County to the next Legislature of the State are authorized and directed to pass such a law as may be necessary to carry out the provisions of this Act, and the County Commissioners of said county shall proceed as by said law required.

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**VETO MESSAGE ON ASSEMBLY BILL NO. 100.**

EXECUTIVE CHAMBER,  
CARSON CITY, NEVADA, March 3, 1905.

*To the Honorable the Assembly:*

I have the honor to return to your honorable body, without my approval, Assembly Bill No. 100—An Act to submit to the qualified

electors of Elko County the question whether a new Court House shall be built in the Town of Elko.

I base my objection on the ground of a request made by the Elko County Delegation, consisting of Senator Hunter and Assemblymen McBride, Coryell, and Henderson, who appeared before me in the Governor's office stating that they now considered it inadvisable to enact the above-mentioned bill into law.

Respectfully,

JOHN SPARKS,  
Governor.

### Senate Bill No. 46,

INTRODUCED BY SENATOR CAMPBELL,  
FEBRUARY 21, 1905.

### AN ACT

AUTHORIZING COUNTIES TO REFUND EXISTING INDEBTEDNESS.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of County Commissioners of any county having an outstanding indebtedness on the date when this Act becomes a law, evidenced by bonds or warrants thereof or by judgments against said county, by an affirmative vote of a majority of the members thereof, are empowered, if they deem it for the public interest, to fund and refund the same and issue bonds of the county therefor in sums not less than one hundred dollars nor more than one thousand dollars each, having not more than thirty years to run and bearing a rate of interest not exceeding five per cent per annum, payable semi-annually, which bonds shall be substantially in the following form:

No. .... The County of ....., in the State of Nevada, for value received, promises to pay ....., or order, at the office of the Treasurer of said county, in ..... on the first day of ....., ..... hundred and ..... (thirty years after date or at any time before that date and after twenty years after date) at the pleasure of the county, the sum of ..... dollars, in United States gold coin, with interest at the rate of ..... per cent per annum, payable at the office of said Treasurer, semi-annually, on the first day of ..... and ..... in each year, on presentation and surrender of the interest coupons hereto attached. This bond is issued by the Board of County Commissioners, in conformity to a resolution of said Board, dated the ..... day of ....., ..... hundred and ....., and under authority conferred upon said Board by the provisions of an Act of the Legislature of Nevada, entitled "An Act authorizing counties to refund existing indebtedness," approved .....

In testimony whereof, the said county, by its Board of County Commissioners, has caused this bond to be signed by the Chairman of the Board, and attested by the County Clerk, with his seal attached this ..... day of ....., ..... hundred and .....

....., Chairman of Board of County Commissioners.

Attest: ....., County Clerk.

And the interest coupons shall be in the following form:

The Treasurer of ..... County, Nevada, will pay to the holder hereof, on the ..... day of ....., ..... hundred and ....., at his office in ....., ..... dollars, United States gold coin, for interest on County Bond No. ....

....., Chairman of Board of County Commissioners.

Attest: ....., County Clerk.

SEC. 2. Whenever bonds issued under this section shall be duly executed, numbered consecutively, and sealed, they shall be delivered to the County Treasurer, and his receipt taken therefor, and he shall stand charged on his official bond with all bonds delivered to him and the proceeds thereof, and he shall sell the same or exchange the same under the direction of the Board of County Commissioners, on the best available terms, for any legal indebtedness of the county outstanding on the date when this Act becomes a law, and if any portion of such bonds are sold for money the proceeds thereof shall be applied exclusively for the payment of liabilities existing against the county at and before the date above named. When they are exchanged for bonds or warrants or other legal evidences of county indebtedness, the Treasurer shall at once proceed to cancel the old bond and such other evidence of indebtedness by stamping on the face thereof the amount for which they were received, the word "Canceled," and the date of cancelation, and if said bonds, or any of them, shall be exchanged for any judgment indebtedness against said county, said Treasurer shall require the delivery to him, for filing in the proper court, of a duly executed release and satisfaction of said judgment. He shall also keep a record of bonds sold or exchanged by him, by number, date of sale, amount, date of maturity, the name and postoffice address of purchasers, and, if exchanged, what evidence of indebtedness was received therefor; which record shall be open at all times for inspection by the public. Whenever the holder of any bond shall sell or transfer it the purchaser shall notify the Treasurer of such sale or transfer, giving at the same time the number of the bonds transferred and his postoffice address, and every transfer shall be noted on the record. The Treasurer shall also report, under oath, to the Board, semi-annually, a statement of all bonds sold or exchanged by him since the preceding report, and the date of such sale or exchange, and, when exchanged, a list or description of the county indebtedness exchanged therefor, and the amount of accrued interest received by him on such sale or exchange, which latter sum shall be charged to him as money received by him on Bond Fund, and so entered by him on his books; but such bonds shall not be sold or exchanged for any indebtedness of the county, except by the approval of the Board of County Commissioners of said county. No sale shall be made of any such bonds except to the highest bidder, after advertising for bids for the purchase of the same for not less than three weeks in at least one newspaper published in the county, if there be a newspaper published in the county, and if not, then in some newspaper of general circulation published in the State, the right being reserved in such advertisement to reject any and all such bids, but said bonds may be exchanged for other bonds or warrants or other indebtedness against the county, without advertisement, at any time under the direction of the Board of County Commissioners.

SEC. 3. The Board of County Commissioners shall cause to be assessed and levied each year, upon the taxable property of the county, in addition to the levy authorized for other purposes, a sufficient tax to pay the interest on outstanding bonds issued in conformity with the provisions of this Act, accruing before the next annual levy; in the twentieth year after the issue of such bonds, and in each year thereafter, a tax sufficient to pay one-tenth of the total amount of bonds issued; and the moneys arising from such levies shall be known as the Bond Fund, and shall be used for the payment of bonds and interest coupons, and for no other purpose whatever; and the Treasurer shall open and keep in his books a separate and special account thereof, which shall at all times show the exact condition of said Bond Fund.

SEC. 4. Whenever, after twenty years from the date of the bond, the amount in the hands of the Treasurer, belonging to the Bond Fund, after setting aside the sum required to pay the interest maturing before the next levy, is sufficient to redeem five or more bonds, he shall notify by mail, the owner of such bond or bonds that he is prepared to pay the same, with all interest accrued thereon, and that if not presented for payment or redemption within forty days after the date of such notice, the interest on such bonds shall cease, and the amount due thereon shall be set aside for its payment whenever presented. The notice shall be directed to the owner's postoffice address, as shown by the record kept in the Treasurer's office. If said bonds are not so presented, interest shall cease, and the amount due shall be set aside as specified in said advertisement. All redemptions shall be made in the exact order of their issuance, beginning at the lowest or first number, and the notice herein required shall be directed to the postoffice address of the owner, as shown by the record kept in the Treasurer's office.

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**VETO MESSAGE ON SENATE BILL NO. 46.**

EXECUTIVE CHAMBER,  
CARSON CITY, NEVADA, March 6, 1905.

*To the Honorable the Senate:*

I have the honor to return to your honorable body, without my approval, Senate Bill No. 46—An Act authorizing counties to refund existing indebtedness.

My objections to the bill are:

That its provisions apply to all the counties of the State, and that reports of the financial condition of all counties in this State, excepting Lincoln, are such as to make its provisions objectionable. I deem it inexpedient to apply a local measure, which is not suitable to but one county, binding on all other counties of the State.

This bill gives the Board of County Commissioners of the several counties the power to sell or exchange county indebtedness whenever, in their judgment, it is for the public interest to refund the same, and issue bonds of the county therefor. This is certainly a most extraordinary and unusual power to be delegated to a Board of County Commissioners without explicit mandatory conditions. The funding and refunding of county indebtedness under this Act might result in a sacrifice too great for any county. No provision for a fixed value has been expressly stated, and in such cases the county might be subjected to a

surrender of its securities without realizing their real value, and would operate against their commercial value on the market. They would be subject to sale under the Sheriff's hammer in front of the Court House of the county, which might prove disastrous and disgraceful to the credit of the counties negotiating a loan. No county in this State should be authorized to issue its bond at a less valuation than one hundred cents on the dollar.

Respectfully,

JOHN SPARKS,  
Governor.

### **Assembly Bill No. 38,**

INTRODUCED BY MR. DODGE,

FEBRUARY 6, 1905.

### **AN ACT**

PROVIDING ASSISTANCE FOR MAINTAINING AN EXHIBIT OF MINERAL, AGRICULTURAL AND OTHER RESOURCES OF THE STATE, AND PUBLISHING AND DISTRIBUTING INFORMATION AND LITERATURE CONCERNING THE RESOURCES OF NEVADA, PAYING OUT, DEPOSITING AND DISTRIBUTING THE MONEY APPROPRIATED THEREFOR, AND OTHER MATTERS IN RELATION THERETO.

WHEREAS, Two hundred and twenty-five citizens of the State of Nevada, did, on November 1, 1902, duly form a corporation under the laws of said State under the name of Reno Chamber of Commerce, for the objects and purposes following, to wit:

- (1) To promote, foster and encourage commerce.
- (2) To encourage and stimulate manufacturing enterprises throughout the State of Nevada and adjacent territories.
- (3) To assist in creating and securing markets for the products of the State of Nevada and adjacent territory.
- (4) To encourage the inauguration of irrigation enterprises for the reclamation of arid lands.
- (5) To induce immigration and the subdivision and settlement and cultivation of our lands.
- (6) To bring to the attention of the general public the superior advantages possessed by the State for the profitable breeding, growing and marketing of all kinds of live stock.
- (7) To direct special attention to the mines developed and partially developed, and to open up avenues to encourage intending investors in such property.
- (8) To encourage the development of the vast mineral resources that are, comparatively speaking, dormant throughout the State, and to bring them to the attention of capital.
- (9) To advertise the vast timber resources in and adjacent to the State.
- (10) To devise ways and means for securing and maintaining a permanent exhibit of the mineral, agricultural and other resources of the State, and to encourage every county in the State and adjacent territory to assist in accomplishing this object.

(11) And generally to promote the material and best interests of this State and the counties adjacent thereto.

(12) To lease, purchase, own and hold, sell, convey, mortgage, convey in trust, and release from trust or mortgage, real and personal property, to borrow and loan money, give and take security therefor, and generally to do any and all things which may be found necessary, desirable or useful in the accomplishment of any of the objects and purposes aforesaid; and

WHEREAS, Said corporation has ever since said date continuously maintained, and now maintains, a large and creditable exhibit of the mineral, agricultural, and other resources of the State in a room prominently located opposite the Southern Pacific Company's passenger depot at Reno, Nevada; which said exhibit has been visited by thousands of people passing through this State, and from which said exhibition room a vast amount of literature descriptive of the resources of Nevada has been distributed by the Secretaries of said corporation; and

WHEREAS, The expense of maintaining said exhibit and printing and distributing said literature has been three thousand (\$3,000) dollars per year during said time, or a total sum to date of six thousand seven hundred and fifty (\$6,750) dollars, all of which was voluntarily contributed by enterprising citizens of the State, prominently among whom were and are His Excellency Governor Sparks, Senator Francis G. Newlands, Senator George S. Nixon, ex-Senator P. L. Flanigan, Senator T. L. Oddie, the late Joseph R. Ryan, Hon. W. E. Sharon and others; and

WHEREAS, Said incorporators and contributors believe that said exhibit has and will continue to be of incalculable benefit to the State, and that it should in future be maintained, in part at least, by the general public;

NOW, THEREFORE, Said incorporators beg leave to request enactment of the following, to wit:

AN ACT PROVIDING ASSISTANCE FOR MAINTAINING AN EXHIBIT OF THE MINERAL, AGRICULTURAL, AND OTHER RESOURCES OF THE STATE, AND PUBLISHING AND DISTRIBUTING INFORMATION AND LITERATURE CONCERNING THE RESOURCES OF NEVADA, PAYING OUT, DEPOSITING AND DISTRIBUTING THE MONEY APPROPRIATED THEREFOR, AND OTHER MATTERS IN RELATION THERETO.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

SECTION 1. For the purpose of enabling the corporation known as the "Reno Chamber of Commerce," or the Nevada Chamber of Commerce, if the name "Nevada Chamber of Commerce" shall be substituted by said corporation for its present name, to continue during the years 1905 and 1906, the maintenance of an exhibit of the mineral, agricultural and other resources of the State of Nevada and publishing and distributing information and literature concerning the resources of said State, the sum of thirty-six hundred (\$3,600) dollars is hereby appropriated out of any money in the General Fund of the State of Nevada not otherwise appropriated.

SEC. 2. The State Controller is hereby authorized and required to draw his warrant in favor of the President and Secretary of the corporation, and for the sum named in section one of this Act, on the demand of said President and Secretary, and the State Treasurer is hereby authorized and directed to pay the same; *provided*, that said sum shall be paid in monthly installments of one hundred and fifty dollars each, beginning with the month of March, A. D. 1905, and continuing monthly thereafter until said sum shall all have been paid, and the President and Secretary of said corporation shall draw orders in writing in the name of said corporation on said Controller monthly for said sum of one hundred and fifty dollars, and said money shall be used only for paying the rent and other expenses for maintaining said exhibit and distributing information concerning the State's resources.

SEC. 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

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VETO MESSAGE ON ASSEMBLY BILL NO. 38.

EXECUTIVE CHAMBER,  
CARSON CITY, NEVADA, March 8, 1905.

*To the Honorable the Assembly:*

I have the honor to return to your honorable body, without my approval, Assembly Bill No. 38—An Act providing assistance for maintaining an exhibit of mineral and agricultural resources of the State.

This corporation could, under the provisions set forth, enter into a banking, real estate or loan association, to do and transact any and all business now enjoyed by such institutions, contrary to Section 9 of Article VIII of the Constitution of the State of Nevada.

It appears to me that the fourteen counties of this State should have equal rights in the direct benefits of this law creating an obligation which is only beneficial to one county and one corporation mentioned in this Act. If the Chamber of Commerce is to be sustained as a State institution it should be located at the State Capital.

Section 9 of Article VIII of the Constitution of the State of Nevada, referred to above, reads as follows:

SECTION 9. The State shall not donate or loan money or its credit, subscribe to or be interested in the stock of any company, association, or corporation, except corporations formed for educational or charitable purposes.

Respectfully,

JOHN SPARKS,  
Governor.

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**Assembly Bill No. 47,**INTRODUCED BY MR. HASTINGS  
(BY REQUEST),

FEBRUARY 9, 1905.

**AN ACT**REGULATING THE ASSESSMENT AND TAXATION OF BANKS AND OF THE  
SHARES OF STOCK THEREIN.*The People of the State of Nevada, represented in Senate and Assembly,  
do enact as follows:*

SECTION 1. All of the property of every bank in which no shares of stock have been issued shall be assessed to it in the same manner and form as other property is assessed to the owners thereof.

SEC. 2. All the shares of stock in banks, whether of issue or not, existing by authority of the United States, or of the State of Nevada, or of any other State, Territory, or foreign government, and located within the State of Nevada, shall be assessed to the owners thereof in the county, city, town or district where such banks are located, and not elsewhere, in the assessment of all State, county, town, or special taxes, imposed and levied in such place, whether such owner is a resident of said county, city, town or district or not. All such shares shall be assessed at their full cash value on the first day of May, first deducting therefrom the proportionate value of the real estate belonging to the bank, at the same rate and no greater than that at which other moneyed capital in the hands of citizens and subject to taxation is by law assessed. And the persons or corporation who appear from the records of the banks to be the owners of shares at the close of the business day next preceding the first day of May in each year shall be taken and deemed to be the owners thereof for the purpose of this section.

SEC. 3. The real estate belonging to any bank shall be assessed to it in the same manner and form as other real estate is assessed to the owners thereof.

SEC. 4. No bank in which shares of stock have been issued shall be assessed upon other property than its real estate and no stockholder in such bank shall be assessed on account of his property interest therein except for his shares of stock as hereinbefore provided.

SEC. 5. Every bank in which shares of stock have been issued, and the officers thereof, shall upon the request of the Assessor deliver to him a full, true and complete list of the names of the stockholders in such bank and of the number of shares owned by each on the close of business on the day preceding the first day of May as shown by its books and records and shall also upon such request deliver to the Assessor a true statement of the total number of shares comprising the capital stock of the bank.

SEC. 6. Every bank in which shares of stock have been issued shall pay to the tax collector, or other person authorized to collect the taxes of the State, county, city, town, or district in which the same is located at the time in each year when other taxes assessed in the said State, county, city, town or district become due, the amount of the tax so assessed in such year upon the shares in such bank, and if such tax is



not so paid the said bank shall be liable for the same and for equal penalties provided for by law in the collection of delinquent taxes upon other property.

SEC. 7. The shares of such banks in which shares of stock have been issued shall be subject to the tax paid thereon by the bank or by the officers thereof, and the bank and the officers thereof shall have a lien on all the shares in such bank and on all the rights and property of the shareholders in the bank and the property thereof for the payment of said taxes.

VETO MESSAGE ON ASSEMBLY BILL NO. 47.

EXECUTIVE CHAMBER,  
CARSON CITY, NEVADA, March 8, 1905.

*To the Honorable the Assembly:*

I have the honor to return to your honorable body, without my approval, Assembly Bill No. 47—An Act regulating the assessment and taxation of banks and of the shares of stock therein.

My objections to the passage of this bill are:

That it is special in its application to banks. If the shares of a bank are assessable, it is now the duty of the Assessors to assess them without any special law to that effect. The State Board of Assessors did not include this kind of property in the list of valuations, and it is therefore left to the discretion of the several County Assessors. Quoting from the law as it now stands, I do not see wherein this bill can be an improvement. Section 1082, Compiled Laws, provides:

"All capital loaned, invested or employed in trade, commerce or business whatsoever; the capital stock of all corporations (except the capital stock of corporations organized for mining purposes), companies, associations, ferries, or individuals doing business or having an office within this State; the money, property and effects of every kind, except real estate, of all banks, banking institutions or firms, bankers, money lenders and brokers, and all property of whatever kind or nature not included in the term 'real estate,' as said term is defined in this Act; *provided*, that gold and silver-bearing ores, quartz or minerals from which gold or silver is extracted when in the hands of the producers thereof, shall not mean, nor be taken to mean, nor be listed and assessed under the term 'personal property,' as used in this section of this Act, but are specially excepted therefrom, and shall be listed, assessed and taxed as provided by law. The term 'full cash value' means the amount at which the property would be appraised if taken in payment of a just debt due from a solvent debtor."

A thorough examination of this bill convinces me that no improvement has been made over the statute now in force.

Banks are essential to the convenience of the public, and should pay their just share of taxes. And they should have equal protection before the law with all other corporations or companies existing. Developments are being made in this State wherein banks are benefactors and help to build up the State by assisting new and remote districts.

Respectfully,

JOHN SPARKS,  
Governor.

**Assembly Bill No. 72,**

INTRODUCED BY MR. WRIGHT,

FEBRUARY 16, 1905.

**AN ACT**

MAKING IT UNLAWFUL FOR ANY PERSON TO WEAR THE BADGE, LAPEL-BUTTON OR OTHER RECOGNIZED AND ESTABLISHED INSIGNIA OF ANY LODGE OR SECRET SOCIETY, UNLESS ENTITLED TO WEAR THE SAME UNDER THE RULES AND REGULATIONS OF SUCH ORDER OR SOCIETY.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Any person who wilfully wears the badge, lapel-button, rosette, or other recognized and established insignia of any secret society, order or organization, or uses the same to obtain aid within this State, unless entitled to wear or use the same, under the constitution, by-laws, or rules and regulations, or other laws or enactments of such order or society, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than ten dollars nor more than one hundred dollars or by imprisonment in the county jail for not less than five days nor more than sixty days, or by both such fine and imprisonment.

**VETO MESSAGE ON ASSEMBLY BILL NO. 72.**

EXECUTIVE CHAMBER,

CARSON CITY, NEVADA, March 9, 1905.

*To the Honorable the Assembly:*

I have the honor to return to your honorable body, without my approval, Assembly Bill No. 72—An Act making it unlawful for any person to wear the badge, lapel-button or other recognized and established insignia of any lodge or secret society, unless entitled to wear the same under the rules and regulations of such order or society.

This bill, if it becomes a law, may be the means of punishing innocent persons who have no knowledge of the insignia of any order and who might desire to purchase and wear emblems suitable to their choice. Men, women and children have a God-given right to wear any or all colors which will gratify and please themselves. If applying to any member of an order with intent to procure aid by imposition, the law, as it now stands, will punish for obtaining money under false pretenses. Further, if a person cannot take the test, he can be exposed and detected by any member of the order to which the emblem belongs.

Respectfully,

JOHN SPARKS,

Governor.

**Senate Bill No. 24,**

INTRODUCED BY SENATOR ROFF,

FEBRUARY 3, 1905.

**AN ACT****RESTRICTING THE SALE OF LIQUOR IN CERTAIN LOCALITIES AND PROVIDING PENALTIES FOR VIOLATIONS OF THIS ACT.***The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall be unlawful to grant a license to any person, persons, firm or corporation to sell, barter or exchange, or otherwise dispose of any malt, spirituous, vinous, or other intoxicating liquors in less quantities than five gallons, within five miles of any camp or assemblage of men engaged in the construction or the repair of any railroad, canal, ditch, reservoir, public work, or other kindred enterprise, where twenty-five or more men are employed.

SEC. 2. Any person who shall sell, barter, exchange, or offer for sale, barter, exchange, or who shall otherwise dispose of any malt, spirituous, vinous, or intoxicating liquor in less quantities than five gallons within five miles of any camp or assemblage of twenty-five or more men engaged in the construction or the repair of any railroad, canal, ditch, reservoir, public work, or other kindred enterprise, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than one hundred dollars nor more than three hundred dollars for each offense, and in default of the payment of said fine shall be imprisoned in the county jail for a period not less than fifty days nor more than one hundred days, and in the discretion of the court may be punished by both such fine and imprisonment, and any attempt to avoid the provision of this Act by giving or disposing of any such liquor to any person on the pretense or for the reason that such person has purchased, or designs, or is expecting to purchase some other article, shall be deemed a sale within the provisions of this Act; *provided*, that nothing contained in this section shall apply to sales of liquor made under a license issued by any incorporated town or city, nor to sales at saloons or other places at which such liquors are sold or disposed of outside of the corporation limits of cities or towns, where such saloons have been established and licensed for six months immediately prior to the beginning of such construction or repair work within said five-mile limit.

SEC. 3. It shall be the duty of the Board of County Commissioners to forthwith revoke all existing licenses for selling liquor within their respective counties within such five-mile limit where the saloons at which such liquors are sold were not established at least six months immediately prior to the commencement of said construction or repair work, excepting as hereinafter provided. **Bancroft Library**

SEC. 4. Justices of the Peace in their respective townships or precincts shall have jurisdiction to originally hear and determine all cases arising under the provisions of this Act.

SEC. 5. Nothing herein contained shall affect or be held to apply to granting or use of licenses, as mentioned in Section 1, in established

communities where the population is one hundred or more at the time when construction work mentioned in Section 1 hereof shall be begun in said five-mile limit.

SEC. 6. This Act shall take effect upon its passage and approval.

VETO MESSAGE ON SENATE BILL NO. 24.

EXECUTIVE CHAMBER,  
CARSON CITY, NEVADA, March 9, 1905.

*To the Honorable the Senate:*

I have the honor to return to your honorable body, without my approval, Senate Bill No. 24—An Act restricting the sale of liquors in certain localities, and providing penalties for violations of this Act.

My objections to this bill are that the subject matter contained, restricting the sale of liquor in certain localities, cannot be considered in any sense other than special in character.

Our State law empowers the county officers to issue a license to any person applying to do business in any part of the State, providing that such business is carried out in a decent and orderly manner, including wholesale and retail goods, wares and merchandise of every kind and character. This Act restricts the sale of liquor, etc., within five miles of any public works. No person can do business in the line indicated without getting licenses from the State and Federal Governments. If the revenue officers of the government should be empowered to refuse applications for licenses within the limits prescribed, there would be no necessity for the law. The law would, if passed, make such communities conform to military rules concerning United States garrisons and reservations. The limit of five miles is extreme, and might interfere with the legitimate business which should be allowed under the laws of the State. The bill, if passed, authorizes the sale of liquor by wholesale, and if wholesale liquor licenses be granted, there can be no reasonable excuse for depriving the retail dealer from doing business.

Respectfully,

JOHN SPARKS,  
Governor.

**Assembly Bill No. 125,**

INTRODUCED BY MR. WRIGHT,

FEBRUARY 28, 1905.

**AN ACT**

TO AMEND AN ACT ENTITLED "AN ACT TO PREVENT THE POLLUTION OR CONTAMINATION OF THE WATERS OF THE LAKES, RIVERS, STREAMS AND DITCHES IN THE STATE OF NEVADA, PRESCRIBING PENALTIES, AND MAKING AN APPROPRIATION TO CARRY OUT THE PROVISIONS OF THIS ACT," APPROVED MARCH 20, 1903.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section 1 of the above-entitled Act shall be amended to read as follows:

Section 1. Any person or persons, firm, company, corporation or

association in this State or the managing agent of any person or persons, firm, company or corporation or association in this State, or any duly elected, appointed or lawfully created officer of any county, city, town, municipality, or municipal government in this State, who shall deposit, or who shall permit or allow any person or persons in their employ or under their control, management or direction to deposit in any of the waters of the lakes, rivers, streams and ditches in this State any sawdust, rubbish, filth or poisonous or deleterious substances liable to affect the health of persons, fish, or live stock, or place or deposit any such deleterious substance or substances in any place where the same may be washed or filtered into any of the waters herein named, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars nor more than five hundred dollars, exclusive of court costs; *provided*, that in case of Government institutions, State institutions, municipalities, towns, incorporated towns or cities, when, owing to the magnitude of the work, immediate correction of the evil is impractical, then in such cases the authorities shall adopt all new work, and as rapidly as possible reconstruct the old systems of drainage sewerage and so as to conform with the provisions of this Act; *and provided further*, that all such new and reconstructed systems shall be completed within six years from March 20, 1903; *provided*, that nothing in this Act shall be so construed as to permit mining or milling companies to dump tailings directly into any stream in this State so as to prevent or impede the natural flow of such stream. Nothing in this Act shall be so construed as to apply to any quartz mill or ore reduction works in this State.

VETO MESSAGE ON ASSEMBLY BILL NO. 125.

EXECUTIVE CHAMBER,  
CARSON CITY, NEVADA, March 25, 1905.

*To the Honorable the Secretary of State:*

I have the honor to deposit with you, without my approval, Assembly Bill No. 125—An Act to amend an Act entitled "An Act to prevent the pollution or contamination of the waters of the lakes, rivers, streams and ditches in the State of Nevada."

My objections to the provisions of this bill are that it differs from the Act which it amends in no essential feature, except to extend the time of completion. The Legislature will assemble again before the time limit expires, and, if necessary, it may be extended. We have sued our neighbors across the line in California for polluting the waters of the Truckee River. It would certainly be commendable if we began the practice among ourselves of keeping the waters of our streams and lakes as free from pollution as we wish California to keep them.

The people of Reno and others living contiguous to the Truckee River have been very dilatory in commencing the system of drainage and sewerage as required by the law enacted two years ago, thereby subjecting thousands of people to the use of the contaminated waters flowing in the Truckee River. Not only this, but they have contributed immensely to its impurities, rendering it more deleterious to both health and life.

Two years of precious time have been wasted without any steps hav-

ing been taken to assist those so exposed, and as there are two years more to run, I do not feel warranted in extending the time.

Taking into consideration the rapid growth of Reno and Sparks, work should, under the law, begin at once and be pushed to completion as rapidly as possible.

Respectfully,

JOHN SPARKS,  
Governor.

## Senate Bill No. 89,

INTRODUCED BY SENATOR CAMPBELL,

MARCH 8, 1905.

### AN ACT

AUTHORIZING LINCOLN COUNTY TO REFUND ITS EXISTING  
INDEBTEDNESS.

*The People of the State of Nevada, represented in Senate and Assembly,  
do enact as follows:*

SECTION 1. The Board of County Commissioners of Lincoln County, Nevada, by an affirmative vote of a majority of the members thereof, are hereby empowered to fund and refund the existing indebtedness of said county, which has accrued under an Act entitled "An Act to consolidate and fund the indebtedness of Lincoln County," approved February 17, 1873; *provided*, that said indebtedness can be refunded for an amount not exceeding four hundred thousand dollars, and issue bonds of the county therefor in sums not less than one hundred dollars, nor more than one thousand dollars each, having not more than thirty years to run and bearing a rate of interest not exceeding five per cent per annum, payable semi-annually, which bonds shall be substantially in the following form:

No. .... The County of Lincoln, in the State of Nevada, for value received, promises to pay ....., or order, at the office of the Treasurer of said county, in ..... on the first day of ....., ..... hundred and ..... (thirty years after date, or at any time before that date and after ten years after date) at the pleasure of the County, the sum of ..... dollars in United States gold coin, with interest at the rate of ..... per cent per annum, payable at the office of said Treasurer semi-annually, on the first day of ..... and ..... in each year on presentation and surrender of the interest coupons hereto attached. This bond is issued by the Board of County Commissioners, in conformity to a resolution of said Board, dated the ..... day of ....., ..... hundred and ....., and under authority conferred upon said Board by the provisions of an Act of the Legislature of Nevada, entitled "An Act authorizing Lincoln County to refund its existing indebtedness," approved (insert date of approval of this Act).

In testimony whereof, the said county, by its Board of County Commissioners, has caused this bond to be signed by the Chairman of the

Board, and attested by the County Clerk, with his seal attached, this ..... day of ....., ..... hundred and .....

....., Chairman of Board of County Commissioners.

Attest: ....., County Clerk.

And the interest coupon shall be in the following form:

The Treasurer of Lincoln County, Nevada, will pay to the holder hereof on the ..... day of ....., ..... hundred and ....., at his office in ....., ..... dollars, United States gold coin, for interest on County Bond No. ....

....., Chairman of Board of County Commissioners.

Attest: ....., County Clerk.

SEC. 2. Whenever bonds issued under this section shall be duly executed, numbered consecutively, and sealed, they shall be delivered to the County Treasurer, and his receipt taken therefor, and he shall stand charged on his official bond with all bonds delivered to him and the proceeds thereof, and he shall sell the same or exchange the same under the direction of the Board of County Commissioners, on the best available terms, for any legal indebtedness of the county outstanding on the date when this Act becomes a law, and if any portion of such bonds are sold for money the proceeds thereof shall be applied exclusively for the payment of liabilities existing against the county at and before the date above named. When they are exchanged for bonds or warrants or other legal evidences of county indebtedness, the Treasurer shall at once proceed to cancel the old bond and such other evidence of indebtedness by stamping on the face thereof the amount for which they were received, the word "Canceled," and the date of cancelation, and if said bonds, or any of them, shall be exchanged for any judgment indebtedness against said county, said Treasurer shall require the delivery to him, for filing in the proper court, of a duly executed release and satisfaction of said judgment. He shall also keep a record of bonds sold or exchanged by him, by number, date of sale, amount, date of maturity, the name and postoffice address of purchasers, and if exchanged what evidence of indebtedness was received therefor; which record shall be open at all times for inspection by the public. Whenever the holder of any bond shall sell or transfer it the purchaser shall notify the Treasurer of such sale or transfer, giving at the same time the number of the bonds transferred and his postoffice address, and every transfer shall be noted on the record. The Treasurer shall also report, under oath, to the Board, semi-annually, a statement of all bonds sold or exchanged by him since the preceding report, and the date of such sale or exchange, and, when exchanged, a list or description of the county indebtedness exchanged therefor, and the amount of accrued interest received by him on such sale or exchange, which latter sum shall be charged to him as money received by him on Bond Fund, and so entered by him on his books; but such bonds shall not be sold or exchanged for any indebtedness of the county, except by the approval of the Board of County Commissioners of said county. No sale shall be made of any such bonds except to the highest bidder, after advertising for bids for the purchase of the same for not less than three weeks in at least one newspaper published in the county, if there be a newspaper published in the county, and if not, then in some newspaper of general circulation published in the State, the right being reserved in such advertisement to reject any and all such bids, but said bonds may be exchanged for

other bonds or warrants or other indebtedness against the county, without advertising, at any time under the direction of the Board of County Commissioners, but no bonds shall be sold or exchanged for less than par.

SEC. 3. The Board of County Commissioners shall cause to be assessed and levied each year, upon the taxable property of the county, in addition to the levy authorized for other purposes, a sufficient tax to pay the interest on outstanding bonds, issued in conformity with the provisions of this Act, accruing before the next annual levy; in the tenth year after the issue of such bonds, and in each year thereafter, a tax sufficient to pay at least one-twentieth of the bonds then unpaid; and the moneys arising from such levies shall be known as the "Bond Fund," and shall be used for the payment of bonds and interest coupons, and for no other purpose whatever; and the Treasurer shall open and keep in his books a separate and special account thereof, which shall at all times show the exact condition of said Bond Fund.

SEC. 4. Whenever, after ten years from the date of the bond, the amount in the hands of the Treasurer, belonging to the Bond Fund after setting aside the sum required to pay the interest maturing before the next levy, is sufficient to redeem five or more bonds, he shall notify by mail, the owner of such bond or bonds that he is prepared to pay the same, with all interest accrued thereon, and that if not presented for payment or redemption within forty days after the date of such notice, the interest on such bonds shall cease, and the amount due thereon shall be set aside for its payments whenever presented. The notice shall be directed to the owner's postoffice address, as shown by the record kept in the Treasurer's office. If said bonds are not so presented, interest shall cease, and the amount due shall be set aside as specified in said advertisement. All redemptions shall be made in the exact order of their issuance, beginning at the lowest or first number, and the notice herein required shall be directed to the postoffice address of the owner, as shown by the record kept in the Treasurer's office.

SEC. 5. An Act entitled "An Act to refund the bonded indebtedness of Lincoln County," approved March 13, 1903, is hereby repealed.

VETO MESSAGE ON SENATE BILL NO. 89.

EXECUTIVE CHAMBER,  
CARSON CITY NEVADA, March 25, 1905.

*To the Honorable Secretary of State:*

I have the honor to deposit with you, without my approval, Senate Bill No. 89—An Act authorizing Lincoln County to fund and refund its existing indebtedness, providing said indebtedness can be refunded for an amount not exceeding four hundred thousand dollars.

This Act is a purely local measure, and was supported by the entire vote of the Lincoln County delegation in the Legislature. It is, therefore, a matter of regret to me that in the discharge of duty it becomes necessary to interpose an objection which, under the Constitution, will delay, for a time at least, its operation as a law. This transaction is one of great importance and magnitude to the future welfare of Lincoln County, involving the prosperity of its citizens, and, if unsuccessful, imperiling the credit of the State at large.



As outlined, the bill empowers the Board of County Commissioners, by an affirmative vote of a majority of the members thereof, without authorizing a vote of the people thereon, to refund the existing indebtedness of said county which has accrued under an Act entitled "An Act to consolidate and fund the indebtedness of Lincoln County," approved February 17, 1873, "*provided*, that said indebtedness can be refunded for an amount not exceeding four hundred thousand dollars," and issue bonds of the county therefor having not more than thirty years to run, at a rate of interest not exceeding five per cent per annum, payable semi-annually, and at the expiration of ten years the redemption of the bonds by the county may begin.

In this Act it will be observed that no statement of the amount of indebtedness now outstanding against Lincoln County has been made, and the broad privilege has been given to the County Commissioners to fund and refund the existing debt for a sum not exceeding four hundred thousand dollars. In my judgment the bill would have been improved had the amount of outstanding indebtedness been named which this four hundred thousand dollars should cover and cancel. However, I have no disposition to criticize the conditions stated in the Act, nor enter into a profit or loss scrutiny of its effects. It has been my desire to obtain correct information from the citizens of the county as to their preference concerning the enactment of this bill into law. The limit allowed me has been occupied in obtaining this knowledge, and the expression of opinion has been radically opposite and earnest.

After due consideration I have come to the conclusion that the proper thing to do is to give the citizens of Lincoln County the privilege of voting for or against this measure. According to reports this question was not an issue in the last campaign, when selecting representatives to the Legislature. Upon adjournment of the Legislature the Lincoln County delegation requested me to await action until they could return to their constituents and investigate and ascertain their views. This request was granted with the suggestion that they go home, and, if possible, hold mass meetings and get the popular sentiment of the citizens. Since that time many telegrams have been received, some approving the measure, others protesting against it. The preponderance of testimony, however, has been against the passage of the bill.

In popular governments the will of the people registered at the polls directs legislation. Let this principle prevail in this case, and let the majority exercise their rights, and govern the financial affairs of the county as in other matters.

Respectfully,

JOHN SPARKS,  
Governor.





